

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

RANDALL TODD SMITH §  
VS. § CIVIL ACTION NO. 9:23cv19  
UNITED STATES OF AMERICA §

MEMORANDUM OPINION AND ORDER REGARDING VENUE

Petitioner Randall Todd Smith, an inmate confined in the Federal Correctional Institute at Fort Dix, New Jersey (“FCI-Fort Dix”), filed what has been construed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

A petition filed pursuant to Section 2241 must be filed in the judicial district where the petitioner is incarcerated. *United States v. Gabor*, 905 F.2d 76, 78 (5th Cir. 1990).<sup>1</sup> FCI-Fort Dix is located in Burlington County, New Jersey, which is in the District of New Jersey. As petitioner is not confined within the Eastern District of Texas, this court lacks jurisdiction over his petition. Accordingly, this petition will be transferred to the United States District Court for the District of New Jersey.

ORDER

For the reasons set forth above, it is **ORDERED** that this petition for writ of habeas corpus is **TRANSFERRED** to the United States District Court for the District of New Jersey.

SIGNED this 25th day of January, 2023.

  
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Zack Hawthorn  
United States Magistrate Judge

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<sup>1</sup> Pursuant to 28 U.S.C. § 2241(d), an application for a writ of habeas corpus filed by a person incarcerated pursuant to judgment of a state court may be filed in the federal judicial district where the petitioner is incarcerated or the district in which he was convicted. However, petitioner is not incarcerated pursuant to a state court judgment.